



Paper No. 9

KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH CA 92660

**COPY MAILED****AUG 06 2002****OFFICE OF PETITIONS**

In re Application of :  
Frances Yen-Potin, Blake Denison, :  
Barbara Bour, Bernard Bihain, :  
Jean Baptiste Dumas Milne-Edwards, :  
Aymeric Duclert and :  
Lydie Bougueleret :  
Application No. 09/842,364 :  
Filed: April 25, 2001 :  
Attorney Docket No. GENSET.50CP2C :  
Title: APOLIPOPROTEIN A-IV-RELATED :  
PROTEIN: POLYPEPTIDE, :  
POLYNUCLEOTIDE SEQUENCES AND :  
BIALLELIC MARKERS THEREOF :

DECISION ACCORDING STATUS  
UNDER 37 C.F.R. §1.47(a)

This is in response to the petition, filed April 12, 2002, under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on April 25, 2001, without the statutory basic filing fee, with additional claim fees due, and without an executed oath or declaration. Frances Yen-Potin, Blake Denison, Barbara Bour, Bernard Bihain, Jean Baptiste Dumas Milne-Edwards, Aymeric Duclert and Lydie Bougueleret were named as joint inventors. Accordingly, on October 9, 2001, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring the missing fees, an executed oath or declaration, and the surcharge under §1.16(e) for late filing. This Notice set a two-month period for reply with extensions of time obtainable under §1.136(a).

In reply, rule 47 applicants filed the instant petition, and submitted payment of the petition fee (\$130), the surcharge under §1.16(e) (\$65), and petition for extension of time for response within the fifth month and fee (\$980) to make the reply timely. Applicants assert that acceptance of the declarations under §1.47 is proper because inventors Yen-Potin, Bour and Bihain refuse to join in the application. In support thereof, applicants submitted a declaration of patent administrator Cindy McClure with documentary evidence of the presentation of the application papers for signature to the non-signing inventors.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

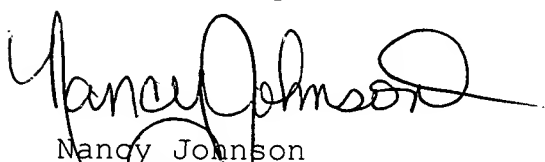
By declaration of Cindy McClure and supporting documentary evidence, applicants have shown that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to each of the non-signing inventors, and that by their conduct, each has refused to join in the application. Accompanying the petition were declarations executed in combination by joint inventors Denison, Dumas Milne-Edwards, Duclert and Bougueleret on behalf of themselves and on behalf of non-signing joint inventors Yen-Potin, Bour and Bihain. This declaration filed April 12, 2002 has been reviewed and found in compliance with \$1.63. Moreover, the petition submitted included the petition fee and a statement of the last known address of the non-signing inventors.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy